

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 United States of America,

10 Plaintiff,

11 v.

12 Onik Harutyuni Papoyan,

13 Defendant.  
14

No. CR-24-04228-001-TUC-JGZ (BGM)

**ORDER**

15 Pending before the Court is Defendant’s Motion in Limine. (Doc. 50.) In the motion,  
16 Defendant requests that the Court rule on the admissibility of two pieces of evidence: (1)  
17 “that the POGA Paramilitary Organization will not be referred to as a terror organization  
18 or that Mr. Papoyan was engaged in terror activities”; and (2) that Defendant “became  
19 agitated and angry about being questioned by female officers and allegedly stated, ‘a man  
20 only speaks to a man,’ during his CBPOne appointment on April 9, 2024.” (*Id.* at 1.) The  
21 Government states it will not seek to admit evidence of the first item. The Court accepts  
22 the parties’ agreement as to the first item and issues a preliminary ruling granting  
23 Defendant’s Motion as to the second item.

24 **DISCUSSION**

25 Generally, evidence is relevant and admissible if it tends “to make a fact more or  
26 less probable than it would be without the evidence” and “the fact is of consequence in  
27 determining the action.” Fed. R. Evid. 401; *see* Fed. R. Evid. 402. The Court “may exclude  
28 relevant evidence if its probative value is substantially outweighed by a danger of . . . unfair

1 prejudice.” Fed. R. Evid. 403.

2 Defendant argues the statement in question is not relevant under Federal Rule of  
3 Evidence 401, and even if it was, the “statement’s potential to unfairly influence the jury  
4 far outweighs any probative value it may have” under Rule 403. (*Id.* at 2–3.) The  
5 Government argues the statement is relevant to the credibility of government witnesses  
6 because it was unique and the reason the female interviewing officer, and all other officers  
7 who came into contact with Defendant on April 9, 2024, remember his inspection. (Doc.  
8 66.)

9 The Court agrees with Defendant that the statement is inflammatory and highly  
10 prejudicial. The Court acknowledges that the nature and uniqueness of the statement likely  
11 has some relevance to the witnesses’ memories of the inspection of Defendant. But the fact  
12 that the witnesses vividly remember the statement also shows its prejudicial nature. Unless  
13 an issue arises regarding a witness’s inability to remember the inspection of Defendant, the  
14 risk of unfair prejudice to Defendant substantially outweighs the statement’s probative  
15 value. Fed. R. Evid. 403. For these reasons, the Court will preliminarily grant the  
16 Defendant’s motion to preclude admission of the Defendant’s physical and verbal response  
17 to being questioned by female officers. The ruling is subject to reconsideration should this  
18 evidence become relevant for other reasons, such as in response to a challenge to a  
19 witness’s ability to remember the Defendant on that occasion.

20 Accordingly,

21 **IT IS ORDERED:**

22 1. Defendant’s Motion in Limine (Doc. 50) is **granted**.

23 2. The Court accepts the parties’ agreement that the parties will not refer to the  
24 POGA paramilitary organization as a terror organization or to activities Defendant was  
25 engaged in as terror activities.

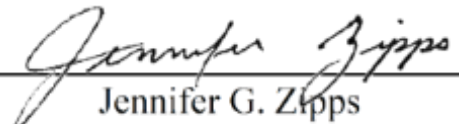
26 //

27 //

28 //

1           3. As a preliminary ruling, the Government is precluded from introducing  
2 evidence that Defendant became agitated and angry about being questioned by female  
3 officers and allegedly stated, “a man only speaks to a man,” during his CBPOne  
4 appointment on April 9, 2024.

5           Dated this 16th day of January, 2025.

6  
7  
8             
9           Jennifer G. Zipp  
10           Chief United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28